REMARKS

[0010] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- *Claims* 8 and 12 *are* canceled herein

- *Claims* 1, 4, 9, 13, 17, and 18 *are* amended herein

- *No Claims are added or withdrawn* herein

- Thus, Claims *1, 4-6, 9, 13, 14, and 16-18* remain pending

[0011] Support for the amendments to *claims 1, 9, 13, and 18* is found in the specification at least at paragraphs [0046], [0054], [0057], [0088], among others. Applicant submits that the remaining amended claims were amended only to overcome various informalities.

Claim Objections

[0012] Claims *4 and 7* stand objected to as allegedly *various informalities.* *See Office Action at 2.* Applicant herein amends *claims* 4 and 7, as shown above, to overcome these objections.

Claims *1, 4-6, 8-9, 12, and 18* Recite Statutory Subject Matter Under § 101

[0013]   Claims *1, 4-6, 8-9, 12, and 18* stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

[0014]   Nevertheless, for the sole purpose of expediting prosecution and without commenting on the propriety of the Office's rejections, Applicant herein amends *claims 1, 9, and 18* as shown above. Furthermore, Applicant herein cancels claims 8 and 12. Applicant submits that since the Independent Claims are shown to overcome the § 101 rejection, their respective dependent claims overcome the § 101 rejection as well, as the Office Action rejects these dependent claims only because of their dependency. *See Office Action at 3.* Thus, Applicant respectfully submits that these amendments render the § 101 rejection moot.

Claims *1, 10 and 16* Comply With § 112 1st Paragraph

[0015]   Claims *1, 4-6, 8, 9, 11-14, and 16-17* stand rejected under 35 U.S.C. § 112, ¶ 1, as allegedly failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

[0016]   Nevertheless, for the sole purpose of expediting prosecution and without commenting on the propriety of the Office's rejections, Applicant herein amends independent Claims *1, 9, and 13* as shown above. Furthermore, Applicant herein cancels claims 8 and 12. Applicant submits that since the
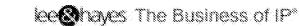
Independent Claims are shown to overcome the § 101 rejection, their respective dependent claims overcome the § 101 rejection as well, as the Office Action rejects these dependent claims only because of their dependency. *See Office Action at 4.* Thus, Applicant respectfully submits that these amendments render the § 101 rejection moot. Applicant respectfully submits that these amendments render the § 112, ¶ 1 rejections moot.

§ 112 2nd Paragraph Rejection of Claims 8 and 12

[0017] Claims *8 and 12* stand rejected under 35 U.S.C. § 112, ¶ 2, as allegedly being indefinite. Applicant has cancelled claims 8 and 12, thereby obviating this rejection.

Cited Document

[0018] *Venkatesan*: *Venkatesan et al.*, U.S. Patent Application Publication No. *2004/001605* has been applied to reject one or more claims of the Application.

Claims *1, 4-6, 8-9, 12-14, 16-18* Are Non-Obvious Over *Venkatesan*

Independent Claim 1 (and similarly for independent claims 9 and 13)

[0019] Applicant submits that the Office has not made a *prima facie* showing that independent claim *1* is obvious in view of *Venkatesan*. Applicant submits that *Venkatesan* does not teach or suggest the following features of this claim, as amended (with emphasis added):

- calculating rational statistics of one or more the regions of the plurality, so that the statistics of a region are representative of the region, wherein the calculating comprises generating the rational statistics of one or more regions of the plurality via a hashing function having a quotient of two weighted, linear, statistical combinations and wherein the rational statistics are semi-global characteristics, wherein numerator of the quotient is a first of the two weighted, linear, statistical combinations and wherein denominator of the quotient is a second of the two weighted, linear, statistical combinations;

Claim *1* recites in part, "wherein numerator of the quotient is a first of the two weighted, linear, statistical combinations and wherein denominator of the quotient is a second of the two weighted, linear, statistical combinations." Furthermore, Applicant respectfully submits that the Office Action cites a large portion of *Venkatesan* without giving specific evidence to what elements of

Venkatesan allegedly map to elements of claim 1. *See Office Action at 5.* Specifically, the Examiner has failed to point out with particularity where the claim language pointed above is taught or suggested in *Venkatesan.*

[0020]   *Consequently, Venkatesan does not teach or suggest all of the elements and features of this claim.   Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.*

<u>*Dependent Claims* 4-6, 8, 12, 14, 16, and 17</u>

[0021]   Claims 8 and 12 are cancelled herein, therefore their rejection is moot.   Claims *4-6, 14, 16, and 17* ultimately depend from independent claims *1, 9 and 13.* As discussed above, independent claims *1, 9, and 13* are allowable over the cited documents.   Therefore, claims *4-6, 14, 16, and 17* are also allowable over the cited documents of record for at least their dependency from an allowable base claim.   These claims may also be allowable for the additional features that each recites.

Independent Claim 18

[0022] Applicant submits that the Office has not made a *prima facie* showing that independent claim *18* is obvious in view of *Venkatesan*. Applicant submits that *Venkatesan* does not teach or suggest the following features of this claim, as amended (with emphasis added):

- wherein the calculating comprises generating the rational statistics of one or more regions of the plurality via a hashing function, h, that hashing function having quotient of two weighted, linear, statistical combinations, and where

$$h_i = \frac{\sum\limits_{j \in R_i} \alpha_{ij} s_j}{\sum\limits_{j \in R_i} b_{ij} s_j}$$

where:

- α_{ij} is the jth element of α_i and α_i are a pseudo-random generated weight factors;

- b_{ij} is the jth element of b_i and b_i are a pseudo-random generated weight factors;

- s denotes the digital good of dimension N × 1;

R_i are the plurality of regions, where $R_i \subseteq \{1,2,...,N\}$.

[0023] Applicant respectfully submits that the Office Action cites a large portion of *Venkatesan* without giving specific evidence to what elements of *Venkatesan*
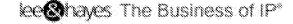
allegedly map to elements of claim 18. *See Office Action at 11-13.* Specifically, the Examiner has failed to point out with particularity where the claim language pointed above is taught or suggested in *Venkatesan.*

[0024]   *Consequently, Venkatesan does not teach or suggest all of the elements and features of this claim.   Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.*

Conclusion

[0025]   Applicant submits that all pending claims are in condition for allowance.   Applicant respectfully requests reconsideration and prompt issuance of the application.   If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned representative for the Applicant before issuing a subsequent Action.

Respectfully Submitted,

Lee & Hayes, PLLC
Representative for Applicant

/Martin R. Wojcik/   Dated: 5/13/09
Martin R. Wojcik (martin@leehayes.com; 512-505-8162 x5007)
Registration No. 57,577

Reviewer/Supervisor: *Kasey C. Christie* (*kasey@leehayes.com*; *509-944-4732*)
Registration No. *40,559*